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HISTORY

T W E N T Y - F I V E Y E A R S O F P R O G R E S S

**IN EDUCATING CHILDREN WITH
DISABILITIES THROUGH IDEA**

Hector is a charming, outgoing, very active, six-year-old Hispanic child who lives with his family and attends his neighborhood school in Arizona.

Early in 1st grade, Hector participated in a new behavioral program to address his sudden mood swings and frequent arguments and fights – both during class and on the playground. His teacher taught Hector specific social skills to improve his competence in such areas as answering questions, controlling his anger, and getting along with others. While working in a small cooperative group with three other students, Hector was able to observe firsthand other children who behaved properly at school.

By the end of 1st grade, Hector's behavior had changed dramatically. Hector was appropriately engaged and worked hard to complete his academic assignments each day. His behavior on the playground improved as well. Rather than respond impetuously, Hector kept his temper and played cooperatively with the other children. No longer viewed as a disruptive student, Hector, and his family, now looks forward to a bright future with realistic hopes for continued success and high achievement in 2nd grade and beyond.

Congress enacted the *Education for All Handicapped Children Act* (Public Law 94-142), in 1975, to support states and localities in protecting the rights of, meeting the individual needs of, and improving the results for Hector and other infants, toddlers, children, and youth with disabilities and their families. This landmark law, whose 25th Anniversary we celebrate this year, is currently enacted as the *Individuals with Disabilities Education Act* (IDEA), as amended in 1997.

In the 25 years since the passage of Public Law 94-142, significant progress has been made toward meeting major national goals for developing and implementing effective programs and services for early

intervention, special education, and related services. Before IDEA, many children like Hector were denied access to education and opportunities to learn. For example, in 1970, U.S. schools educated only one in five children with disabilities, and many states had laws excluding certain students, including children who were deaf, blind, emotionally disturbed, or mentally retarded.

Today, early intervention programs and services are provided to almost 200,000 eligible infants and toddlers and their families, while nearly 6 million children and youth receive special education and related services to meet their individual needs. Other accomplishments directly attributable to IDEA include educating more children in their neighborhood schools, rather than in separate schools and institutions, and contributing to improvements in the rate of high school graduation, post-secondary school enrollment, and post-school employment for youth with disabilities who have benefited from IDEA. (See side bar: *Examples of IDEA Accomplishments*.)

The promising future of Hector and other children with disabilities and their families stands in sharp contrast to conditions before IDEA. These last 25 years have witnessed significant changes as the nation has moved from paying little or no attention to the special needs of individuals with disabilities, to merely accommodating these individuals' basic needs, and eventually to providing programs and services for all children with disabilities and their families.

Conditions Before IDEA

Before the enactment of Public Law 94-142, the fate of many individuals with disabilities was likely to be dim. Too many individuals lived in state institutions for persons with mental retardation or mental illness. In 1967, for example, state institutions were homes for almost 200,000 persons with significant disabilities. Many of these restrictive settings provided only minimal food, clothing, and shelter. Too often, persons with disabilities,

Examples of IDEA Accomplishments

- The majority of children with disabilities are now being educated in their neighborhood schools in regular classrooms with their non-disabled peers.
- High school graduation rates and employment rates among youth with disabilities have increased dramatically. For example, graduation rates increased by 14 percent from 1984 to 1997. Today, post-school employment rates for youth served under IDEA are twice those of older adults with similar disabilities who did not have the benefit of IDEA.
- Post-secondary enrollments among individuals with disabilities receiving IDEA services have also sharply increased. For example, the percentage of college freshmen reporting disabilities has more than tripled since 1978.

such as Allan, were merely accommodated rather than assessed, educated, and rehabilitated. (See side bar: *Allan’s Story*.)

Unfortunately, Allan’s history was repeated in the life experiences of tens of thousands of individuals with disabilities who lacked support from IDEA. Inaccurate tests led to inappropriately labeling and ineffectively educating most children with disabilities. Providing appropriate education to youngsters from diverse cultural, racial, and ethnic backgrounds was especially challenging. Further, most families were not afforded the opportunity to be involved in planning or placement decisions regarding their child, and resources were not available to enable children with significant disabilities to live at home and receive an education at neighborhood schools in their community.

Initial Federal Response

In the 1950s and 1960s, the Federal government, with the strong support and advocacy of family associations, such as The ARC, began to develop and validate practices for children with disabilities and their families. These practices, in turn, laid the foundation for implementing effective programs and services of early intervention and special education in states and localities across the country.

There are numerous illustrations of key early Federal legislation that supported improved programs and services. Notable examples include the *Training of Professional Personnel Act* of 1959 (PL 86-158), which helped train leaders to educate children with mental retardation; the *Captioned Films Acts* of 1958 (PL 85-905), the training provisions for teachers of students with mental retardation (PL 85-926), and 1961 (PL 87-715), which supported the production and distribution of accessible films; and the *Teachers of the Deaf Act* of 1961 (PL 87-276), which trained instructional personnel for children who were deaf or hard of hearing. PL 88-164 expanded previous specific training pro-

grams to include training across all disability areas. In addition, in 1965, the *Elementary and Secondary Education Act* (PL 89-10) and the *State Schools Act* (PL 89-313) provided states with direct grant assistance to help educate children with disabilities. Finally, the *Handicapped Children’s Early Education Assistance Act* of 1968 (PL 90-538) and the *Economic Opportunities Amendments* of 1972 (PL 92-424) authorized support for, respectively, exemplary early childhood programs and increased Head Start enrollment for young children with disabilities. These and other critical Federal laws began to open doors of opportunity for children with disabilities and their families. (See side bar: *Key Milestones*.)

Landmark court decisions further advanced increased educational opportunities for children with disabilities. For example, the *Pennsylvania Association for Retarded Citizens v. Commonwealth* (1971) and *Mills v. Board of Education of the District of Columbia* (1972) established the responsibility of states and localities to educate children with disabilities. Thus, the right of every child with a disability to be educated is grounded in the equal protection clause of the 14th Amendment to the United States Constitution.

Public Law 94-142

Public Law 94-142 guaranteed a free, appropriate public education to each child with a disability in every state and locality across the country.

The four purposes of the law articulated a compelling national mission to improve access to education for children with disabilities. (See side bar: *Four Purposes of PL 94-142*.) Changes implicit in the law included efforts to improve how children with disabilities were identified and educated, to evaluate the success of these efforts, and to provide due process protections for children and families. In addition, the law authorized financial incentives to enable states and localities to comply with Public Law 94-142.

Allan’s Story

Allan was left as an infant on the steps of an institution for persons with mental retardation in the late 1940s. By age 35, he had become blind and was frequently observed sitting in a corner of the room, slapping his heavily callused face as he rocked back and forth humming to himself.

In the late 1970s, Allan was assessed properly for the first time. To the dismay of his examiners, he was found to be of average intelligence; further review of his records revealed that by observing fellow residents of the institution, he had learned self-injurious behavior that caused his total loss of vision.

Although the institution then began a special program to teach Allan to be more independent, a major portion of his life was lost because of a lack of appropriate assessments and effective interventions.

Key Milestones

By 1968, the Federal government had supported:

- Training for more than 30,000 special education teachers and related specialists;
- Captioned films viewed by more than 3 million persons who were deaf; and
- Education for children with disabilities in preschools and in elementary, secondary, and state-operated schools across the country.

Four Purposes of PL 94-142

- “to assure that all children with disabilities have available to them...a free appropriate public education which emphasizes special education and related services designed to meet their unique needs”
- “to assure that the rights of children with disabilities and their parents...are protected”
- “to assist States and localities to provide for the education of all children with disabilities”
- “to assess and assure the effectiveness of efforts to educate all children with disabilities”

Source: *Education for All Handicapped Children’s Act of 1975*

Public Law 94-142 was a response to Congressional concern for two groups of children: the more than 1 million children with disabilities who were excluded entirely from the education system and the children with disabilities who had only limited access “to the education system and were therefore denied an appropriate education. This latter group comprised more than half of all children with disabilities who were living in the United States at that time. These issues of improved access became guiding principles for further advances in educating children with disabilities over the last quarter of the 20th Century.

First 25 Years of Progress

To achieve our national goals for access to education for all children with disabilities, a number of special issues and special populations have required Federal attention. These national concerns are reflected in a number of key amendments to the *Education for the Handicapped Act* (EHA) and IDEA between 1975 and 1997.

The 1980s saw a national concern for young children with disabilities and their families. While Public Law 94-142 mandated programs and services for children 3 to 21 years that were consistent with state law, the 1986 Amendments (PL 99-457) to EHA mandated that states provide programs and services from birth.

Through such sustained Federal leadership, the United States today is the world leader in early intervention and preschool programs for infants, toddlers, and preschool children with disabilities. These programs prepare young children with disabilities to meet the academic and social challenges that lie ahead of them, both while in school and in later life. (See side bar: *Examples of Early Childhood Accomplishments*.)

At the other end of the childhood age continuum, IDEA has supported the preparation of students for vocational success through new and improved transition programs. The 1983 Amendments to EHA (PL 98-199), the 1990 Amendments to EHA

(PL 101-476), which changed the name to the Individuals with Disabilities Education Act (IDEA), and the IDEA Amendments of 1997 (PL 105-17) supported initiatives for transition services from high school to adult living. Because of these mandates, each student’s Individualized Education Program (IEP) must include transition plans or procedures for identifying appropriate employment and other postschool adult living objectives for the student; referring the student to appropriate community agencies; and linking the student to available community resources, including job placement and other follow-up services. The IEP must also specifically designate who is responsible for each transition activity. Finally, the 1997 Amendments to IDEA specified that transition planning should begin at age 14.

The nation has also been concerned, over the last 25 years, with expanding the opportunities for educating children with disabilities in the least restrictive environment. For example, in the early 1980s, IDEA supported several *Severely Handicapped Institutes* to develop and validate effective approaches for integrating children with significant disabilities with their non-disabled family members at home and their non-disabled classmates at school. Such model projects as the *Badger School Program*, in Madison, Wisconsin, demonstrated an effective system to teach such children the skills they needed to lead independent and productive lives. Through such efforts, today, millions of children with significant disabilities are attending their neighborhood schools and learning the life skills they will need for full, active participation in integrated activities with their family members, friends, neighbors, and co-workers.

IDEA has supported the provision of culturally relevant instruction for diverse learners in mainstreamed environments. Throughout the 1980s, IDEA-supported *Minority Handicapped Research Institutes* documented that culturally and linguistically diverse students with disabilities make, at best, limited progress in school programs that employ “watered-down” instruction in segregated environments. Building on and extending the work of these institutes, IDEA has

Examples of Early Childhood Accomplishments

IDEA has supported the development, validation, and widespread use of:

- State-of-the-art models of appropriate programs and services for young children with disabilities (birth – five years) and their families;
- Individualized Family Service Plans (IFSPs) to identify and meet the unique needs of each infant and toddler with a disability and his or her family;
- Effective assessment and teaching practices and related instructional materials for young children and their families;
- National network of professionals dedicated to improving early intervention and preschool education at the state and local levels; and
- Collaborating with other Federal, state and local agencies to avoid duplication of efforts in providing early intervention and preschool education.

Culturally Relevant Instructional Principles

- Link assessments of student progress directly to the instructional curricula rather than to abstract norms for standardized tests.
- Examine not only the individual child but also his or her instructional environment, using direct observational data.
- Create classroom environments that reflect different cultural heritages and accommodate different styles of communication and learning.
- Develop and implement family-friendly practices to establish collaborative partnerships with parents and other caregivers, including those who do not speak English.

supported the development and validation of culturally relevant assessment and intervention practices. (See side bar: *Culturally Relevant Instructional Principles*.) For example, the *Juniper Garden Project* at the University of Kansas has demonstrated instructional practices, such as classwide peer tutoring and cooperative learning, that help African American students, English language learners, and other diverse students become more actively involved in their academic assignments. As Hector’s story illustrates, increased academic engagement leads, in turn, to improved learning and higher achievement.

From the beginning of special education legislation, families of children with disabilities have been considered important partners in meeting the needs of children with disabilities. IDEA includes key principles to guide families and professionals to work together to enhance the educational opportunities for their children. IDEA requires active parent participation throughout the educational process including the development of the child’s Individualized Educational Program. In addition, IDEA 1997 mandates that schools report progress to parents of children with disabilities as frequently as they report to parents of non-disabled children. The overall goal is to maintain an equal and respectful partnership between schools and families.

Finally, IDEA has continued the long-standing Federal commitment to provide an adequate supply of qualified teachers. Today, hundreds of thousands of professionals specializing in early childhood and special education are being trained with IDEA support. These professionals include early intervention staff, classroom teachers, therapists, counselors, psychologists, program administrators, and other professionals who will work with future generations of children with disabilities and their families.

Over the last 25 years, IDEA has supported states and localities in meeting their identified challenges for personnel preparation. For example, IDEA supported local communities that were developing and implementing early childhood programs; schools serving students with

low-incidence disabilities, such as children who are blind or deaf or children with autism or traumatic brain injury; and schools in rural or large urban areas, where financial and other resources are often scarce.

IDEA has supported projects that demonstrate how states and localities can successfully meet challenges to staff recruitment and retention. For example, the *National Early Childhood Technical Assistance Center* (NEC*TAS), located at the University of North Carolina, helps build national commitment and capacity for hiring qualified early intervention staff and providing family-centered, community-based, coordinated, interagency services for young children with disabilities and their families across the country. Similarly, Vermont’s personnel preparation program helps prepare teachers to meet the needs of students with low-incidence disabilities in rural public schools and other community settings. These and other IDEA-supported projects around the country are innovative models that other states and localities should consider replicating as part of their own programs of personnel preparation.

Charting the Next 25 Years of Progress

The next 25 years of the 21st century provide an opportunity to ensure that educational improvements for all children include infants, toddlers, children, and youth with disabilities. Whereas Public Law 94-142 issued a national challenge to ensure access to education for all children with disabilities, the 1997 Amendments to IDEA articulated a new challenge to improve results for these children and their families.

To meet this challenge, IDEA must build on its previous support for *equality of access* and continue to expand and strengthen its support for *quality programs and services*. Improving educational results for children with disabilities requires a continued focus

on the full implementation of IDEA to ensure that each student’s educational placement and services are determined on an individual basis, according to the unique needs of each child, and are provided in the least restrictive environment. The focus must be on teaching and learning that use individualized approaches to accessing the general education curriculum and that support learning and high achievement for all.

We know, after 25 years, that there is no easy or quick fix to the challenges of educating children with disabilities. However, we also know that IDEA has been a primary catalyst for the progress we have witnessed. Because of Federal leadership, the people of the United States better appreciate the fact that each citizen, including individuals with disabilities, has a right to participate and contribute meaningfully to society. With continued Federal-state-local partnerships, the nation will similarly demonstrate that improving educational results for children with disabilities and their families is critical to empowering all citizens to maximize their employment, self-sufficiency, and independence in every state and locality across the country. Further, our nation’s ability to compete successfully in the global community depends on the inclusion of all citizens. We cannot afford to leave anyone out of our efforts.

